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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,501

04/13/2004

Varga Zdenek

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EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

07/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,501	<b>Applicant(s)</b> ZDENEK, VARGA	
	<b>Examiner</b> Milap Shah	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/13/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Objections*

Claims 1-3 are objected to because of the following informalities: Claim 1 is objected to for the reasons of form, punctuation and grammar, such that the claim appears to be a run-on sentence and does not utilize correct punctuation. For example the claim includes two instances of “connected with”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitations “the output” and “the screen”. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites “the account” and “the participant”. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 also recites “over port (4.1)”, which is unclear as to if the port is a communication port that is wired, wireless, or the like. The specification does not appear to provide much description of port (4.1) and the drawings merely show the shape of a rectangle, thus, the Examiner submits that merely reciting “port” is not sufficient to specify a communication line, which the Examiner assumes is what was intended. Appropriate correction is required.

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*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO International Publication Number WO 01/03786 A1, issued on January 18, 2001 to “Clifton Dutton” of “GTech Rhode Island Corporation” (hereafter “Dutton”).

**Claim 1:** Dutton discloses the same invention including a GSM phone station (figure 1[phone 20]) connected with a gambling credit system (figure 1[billing system 50]) of a GSM provider (figure 1[service provider 40] & page 1, line 9 – page 2, line 11), connected with a gambling system of a gambling provider (figure 1[processing system 60] and page 6, lines 21-31), and a prize and winnings accounting system (figure 1[player account database 80] and page 6, line 32 – page 7, line 9). Dutton also discloses a single-purpose single-action gambling voucher for winnings transfer into the gambling credit system (figure 2 & page 8, lines 2-4).

**Claim 2:** It is considered inherent within Dutton’s disclosure that the gambling system comprises a current account of the gambling credit and prize amounts, since the gambling system is considered to be a real-time gambling system in which the gambling provider and the player know the player’s account standings at all times including current balance, used credits, and any prizes won. Additionally, Dutton discloses displaying the output of the gambling system (i.e. games or prizes) on a display screen of the GSM phone station (page 5, lines 30-32 & page 9, lines 1-6).

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**Claim 3:** Dutton discloses the prize and winnings accounting system is connected with the gambling credit system as discussed above, further the gambling credit system permits transfer of prizes won to a player's account (i.e. gambling credit) or to a player's wireless service account (page 9, lines 14-19). Additionally, Dutton discloses over a communications port that the gambling account is fundable via use of a financial institution such as a bank (page 7, line 29 – page 8, line 12), thus, inherently the structure is present to transfer amounts from the player's accounts to their financial institution, such as a charge back (i.e. if a player's bank issued debit card is used, the gambling provider is able to charge back any amount, as that is the nature of debit accounts).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Scagnetli et al.	U.S. Patent No. 5,816,919	Computerized lottery wagering system over a telephone.
LaDue	U.S. Patent No. 5,999,808	Wireless gaming method which discloses use over GSM.
Valenta	U.S. Patent Application Publication No. 2001/0036863	Gambling system over a GSM network.
Tanskanen et al.	U.S. Patent Application Publication No. 2002/0054088	Bettors use GSM mobile devices to place bets.
Stadelmann	U.S. Patent No. 6,416,414	Another complex gambling system over a GSM network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MB.S.

/Scott Jones/

Primary Examiner, Art Unit 3714